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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

RUBEN *et al.*

Appl. No. 09/345,373

CPA Filed: August 8, 2002

For: **Keratinocyte Growth Factor-2**

Confirmation No. 1167

Art Unit: 1647

Examiner: Saoud, C.

Atty. Docket: 1488.036000A/EKS/PAJ

**First Supplemental Information Disclosure Statement**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed on May 4, 2000 in connection with the above-captioned application. A copy of each document is also provided.

Applicants would also like to direct the Examiner's attention to the following co-pending United States Patent Applications which are directed to related technical subject matter:

Application No. 09/248,998, filed February 12, 1999 and submitted herewith as document AR24;

Application No. 09/585,541, filed June 2, 2000 and submitted herewith as document AS24;

Application No. 09/610,651, filed June 30, 2000 and submitted herewith as document AT24;

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Application No. 10/035,212, filed January 4, 2002 and submitted herewith as document AR25;

Application No. 10/075,446, filed February 15, 2002 and submitted herewith as document AS25; and

Application No. 10/194,443, filed July 12, 2002 and submitted herewith as document AT25.

In addition, Applicants wish to bring to the attention of the Examiner that SEQ ID NO:1 and the corresponding cDNA clone of this application are related to SEQ ID NO:40589 in co-pending U.S. Patent Application No. 09/912,292. Legible copies of those portions of U.S. Patent Application No. 09/912,292 which caused them to be listed on the attached Form PTO-1449 are submitted herewith as reference AR26.

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits after the filing date of a Continued Prosecution Application. No statement or fee is required.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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